

Department of Transportation in accordance with the requirements of part 440.

§§ 460.20–460.40 [Reserved]

Subpart B—Launch and Reentry with a Space Flight participant

§ 460.41 Scope.

This subpart establishes requirements for space flight participants on board a vehicle whose operator is licensed or permitted under this chapter.

§ 460.43 Applicability.

This subpart applies to:

- (a) An applicant for a license or permit under this chapter who proposes to have a space flight participant on board a vehicle;
- (b) An operator licensed or permitted under this chapter who has a space flight participant on board a vehicle; and
- (c) A space flight participant in an activity authorized under this chapter.

§ 460.45 Operator informing space flight participant of risk.

(a) Before receiving compensation or making an agreement to fly a space flight participant, an operator must satisfy the requirements of this section. An operator must inform each space flight participant in writing about the risks of the launch and reentry, including the safety record of the launch or reentry vehicle type. An operator must present this information in a manner that can be readily understood by a space flight participant with no specialized education or training, and must disclose in writing—

- (1) For each mission, each known hazard and risk that could result in a serious injury, death, disability, or total or partial loss of physical and mental function;
 - (2) That there are hazards that are not known; and
 - (3) That participation in space flight may result in death, serious injury, or total or partial loss of physical or mental function.
- (b) An operator must inform each space flight participant that the United States Government has not certified the launch vehicle and any re-

entry vehicle as safe for carrying crew or space flight participants.

(c) An operator must inform each space flight participant of the safety record of all launch or reentry vehicles that have carried one or more persons on board, including both U.S. government and private sector vehicles. This information must include—

- (1) The total number of people who have been on a suborbital or orbital space flight and the total number of people who have died or been seriously injured on these flights; and
 - (2) The total number of launches and reentries conducted with people on board and the number of catastrophic failures of those launches and reentries.
- (d) An operator must describe the safety record of its vehicle to each space flight participant. The operator's safety record must cover launch and reentry accidents and human space flight incidents that occurred during and after vehicle verification performed in accordance with § 460.17, and include—

- (1) The number of vehicle flights;
 - (2) The number of accidents and human space flight incidents as defined by section 401.5; and
 - (3) Whether any corrective actions were taken to resolve these accidents and human space flight incidents.
- (e) An operator must inform a space flight participant that he or she may request additional information regarding any accidents and human space flight incidents reported.

(f) Before flight, an operator must provide each space flight participant an opportunity to ask questions orally to acquire a better understanding of the hazards and risks of the mission, and each space flight participant must then provide consent in writing to participate in a launch or reentry. The consent must—

- (1) Identify the specific launch vehicle the consent covers;
- (2) State that the space flight participant understands the risk, and his or her presence on board the launch vehicle is voluntary; and
- (3) Be signed and dated by the space flight participant.